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Federal Public Defender
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4 Telephone: (415) 436-7700
5 Counsel for Defendant DEBRA EDISON

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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DEBRA EDISON,

15 Defendant.
16 _____

)
) No. CR 07-0074 WHA

)
) DECLARATION OF ERIC MATTHEW
) HAIRSTON IN SUPPORT OF DEBRA
) EDISON'S NOTICE OF MOTION AND
) MOTION TO SUPPRESS EVIDENCE

)
) Court: Honorable William H. Alsup
) Date: May 13, 2008
) Time: 2:00 p.m.
)

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19 I, Eric Matthew Hairston, declare as follows:

20 I. I am an Assistant Federal Public Defender for the Northern District of California. I make
21 this declaration in support of Debra Edison's Motion to Suppress Evidence. I have
22 knowledge of the facts set forth below and, if called as a witness in this matter, could and
23 would competently testify to them.
24

25 II. Attached hereto as Exhibit A is a true and correct copy of the July 2, 2007 application and
26

1 affidavit for a warrant to search Ms. Edison's rented Dodge Caliber, bates-stamped
2 ME007046-ME007050 and received as discovery in this matter.

3 I declare under penalty of perjury that the foregoing is true and correct. Signed this 22nd
4 day of April, 2008 in San Francisco, California.

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6 Dated: April 22, 2008

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8 Respectfully submitted,

9 BARRY J. PORTMAN
10 Federal Public Defender

11 _____/s/_____
12 ERIC MATTHEW HAIRSTON
13 Assistant Federal Public Defender
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Exhibit A

AQ106 (Rev. 12/03) Affidavit for Search Warrant

ORIGINAL
FILED

UNITED STATES DISTRICT COURT

JUL 11 2007

NORTHERN

DISTRICT OF

CALIFORNIA

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

2007 4-door Dodge Caliber, CA license plate number
5WHR137, located at the Dublin, CA Police Department, 100
Civic Plaza, Dublin, CA, 94568

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case Number: 3-07-70386-BZ MB

3 07 70392

JL

I, Mandy Britton

being duly sworn depose and say:

I am a(n) Special Agent with the F.B.I.

and have reason to believe

Official Title

that ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)
See Attachment A to Affidavit of Mandy Britton, attached and incorporated herein by reference,

in the Northern District of California

there is now concealed a certain person or property, namely (describe the person or property to be seized)
See Attachment B to Affidavit of Mandy Britton, attached and incorporated herein by reference,

which is (state one or more bases for search and seizure set forth under Rule 41(e) of the Federal Rules of Criminal Procedure)
evidence and/or instrumentalities of the crimes of, among others, obstruction of justice and wire fraud

concerning a violation of Title 18 United States code, Section(s) 1519 and 1343

The facts to support a finding of probable cause are as follows:
See attached Affidavit of Mandy Britton, attached and incorporated herein by reference,

Approved as to Form
AUSA Finigan

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Signature of Affiant

Sworn to before me and subscribed in my presence,

7-2-07
Date

at San Francisco California
City State

James Larson
Name of Judge

U.S. Magistrate Judge
Title of Judge

Signature of Judge

ME007046

290 SF 139202-189

I, Special Agent Mandy Britton, being duly sworn, depose and state the following:

Introduction & Agent Background

1. This affidavit is made in support of a search warrant for a 2007, 4-door, Dodge Caliber, California license plate number 5WHR137, in order to seize fruits, instrumentalities, and evidence related to violations of 18 U.S.C. § 1519 (Obstruction of Justice) and 18 U.S.C. § 1343 (wire fraud). A description of the location to be searched is attached hereto as Attachment A and incorporated herein by this reference. A description of the items to be seized is attached hereto as Attachment B and incorporated herein by this reference.
2. I am a Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed in that capacity since May 4, 2003. I am currently assigned to the San Francisco Field Office of the FBI. I am specifically assigned to investigate, among other things, white collar crime matters such as corporate fraud, securities fraud, bank fraud, conspiracy, mail fraud, and wire fraud.
3. Prior to joining the FBI, I was employed as an auditor for approximately two and one half years with Deloitte & Touche, LLP. I am a Certified Public Accountant (CPA), licensed in the state of California.
4. During the course of the investigation, I have obtained information from the following sources: interviews conducted by Special Agents of the FBI (including myself), documents and information obtained by various individuals and entities, including Wells Fargo Bank (Wells Fargo), First Bank of Puerto Rico, Countrywide Home Loans (Countrywide), Union Bank of California, Fidelity National Title (Fidelity), Stewart Title of California (Stewart Title), and the law offices of Allen Matkins Leck Gamble & Mallory LLP. The information contained in this affidavit is based on information obtained from these sources.

Procedural Posture of The Case

5. On June 28, 2007, the United States Attorney's Office for the Northern District of California, filed a criminal complaint charging Debra Legum Edison ("Edison") with a violation of 18 U.S.C. § 1519 (Obstruction of Justice). The complaint and a warrant for Edison's arrest were signed by the Honorable Bernard Zimmerman, United States Magistrate Judge, on June 28, 2007. True and correct copies of the complaint, its Exhibits, and the warrant are attached hereto collectively as Attachment C and incorporated herein by this reference. (The complaint and warrant were originally filed under seal, but an unsealing order has been submitted simultaneously with this Affidavit.) To summarize the facts of Edison's complaint, she is charged with creating false documents to assist her husband manufacture a defense to criminal charges he is currently facing in United States v. Michael J. Edison, case CR 07-0074 WHA, which is described

in more detail below.

6. On June 29, 2007, Alameda County Sheriff's Deputies working for the Dublin Police Department arrested Edison on a driving under the influence charge. Edison was alone and driving a 2007, 4-door, Dodge Caliber, California license plate number 5WHR137. The car was rented from Avis Rental Car company. The vehicle was impounded by the Dublin Police Department and is currently in their custody. Edison is currently being held at the Santa Rita Jail, 5325 Broder Boulevard, Dublin, California, 94568. Edison's arresting officers advised me that her rental car contained, among other things, a brown box addressed to Michael J. and Debra Edison, a brown suitcase that was full of documents, numerous check books, Michael J. Edison's passport and foreign identification for Michael J. Edison and Debra Edison.

Background Facts

7. Although described in detail in the Attachments, a brief summary of the facts underlying Edison's complaint are set forth herein for the Court's convenience.
 - a. On February 13, 2007, Edison's husband, Michael Edison, was indicted on three counts of wire fraud in violation of 18 U.S.C. § 1343, case CR 07-0074 WHA. A true and correct copy of that indictment is attached to Edison's complaint, which is attached hereto as Attachment C. That indictment alleges that Michael Edison defrauded the victim of more than \$2,000,000. Michael Edison has been in United States Marshall Service custody since approximately February 9, 2007, and is facing a November 26, 2007, trial date in CR 07-0074 WHA.
 - b. In the course of investigating Michael Edison's fraudulent activity underlying case CR 07-0074 WHA, a complaint was filed against Michael Edison and a warrant was issued for his arrest in case 3 06 70833 BZ. A true and correct copy of that complaint and the affidavit establishing probable cause therefore is also contained in Attachment C.
 - c. On or about April 3, 2007, law enforcement intercepted a letter from Michael Edison to his wife, Debra Edison. Michael Edison sent the letter from the Santa Rita Jail to Debra Edison, who was in Zurich, Switzerland. In the letter, which is discussed in detail in Attachment C, Michael Edison instructed Debra Edison to create false documents that would purportedly show that the victim in the fraud case actually loaned him the money that he allegedly stole from her. Michael Edison included drafts of two false documents in his letter to Debra Edison. Michael Edison also instructed Debra Edison to obtain documents related to the allegations in his indictment, case CR 07-0074 WHA, and to either destroy them or make sure they were not discovered by law enforcement.

- d. On June 21, 2007, Michael Edison's attorney, Michael Thorman, produced copies of a Promissory Note and a Summary Memo of Loan Agreement Between Jean Phleger, the victim identified in Michael Edison's indictment, and Michael Edison to AUSA Jeffrey Finigan. The two documents were very similar to the drafts of false documents Michael Edison sent to his wife and they purported to show that the victim loaned Michael Edison \$2,250,000. Mr. Thorman advised AUSA Finigan that he obtained the documents from Debra Edison.

Probable Cause for Searching Edison's Rental Car

8. Based on the facts herein and in Attachment C, there is probable cause to believe that there is evidence of obstruction of justice located within the rental car Debra Edison was driving when she was arrested on June 29, 2007. Specifically, given the description and amount of documents observed in her car, there is reason to believe that some of those documents may relate to the two false documents she produced to Mr. Thorman.
9. Based on the facts herein and in Attachment C, there is also probable cause to believe that there is evidence of wire fraud located within the rental car Debra Edison was driving when she was arrested on June 29, 2007. Specifically, given the description and amount of documents observed in her car, and the fact that Michael Edison previously advised her to obtain documents related to his case and either destroy them or keep them from law enforcement, there is reason to believe that some of those documents may relate to Michael Edison's fraudulent scheme as set forth in his complaint and indictment, which are included within Attachment C. Thus, Attachment B hereto contains descriptions of documents related to Michael Edison's fraudulent scheme. Although the listed account

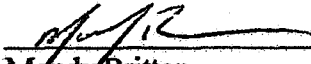
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numbers in Attachment B hereto contain asterisks as they appear in Michael Edison's complaint, the accounts are the same in both documents.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Mandy Britton
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me on this 22 day of July 2007, in San Francisco, California.



JAMES LARSON
United States Magistrate Judge